



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Project No. 6066-039]

McCallum Enterprises I, Limited Partnership; Notice of Application for Filing and Soliciting Comments, Motions to Intervene, and Protests

Take notice that the following amendment application has been filed with the Commission and is available for public inspection:

- a. Application Type: Amendment of License
- b. Project No: P-6066-039
- c. Date Filed: June 25, 2021
- d. Applicants: McCallum Enterprises I, Limited Partnership and Shelton Canal Company (licensees)
- e. Name of Projects: Derby Dam Hydroelectric Project
- f. Locations: The project is located on the Housatonic River in New Haven and Fairfield counties, Connecticut.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791a - 825r
- h. Applicant Contact: Mr. Joseph W. Szarmach, Jr., Managing Partner, McCallum Enterprises I, Limited Partnership, 2874 Main Street, Stratford, CT 06614; telephone: (203) 386-1745 and email joseph.szarmach@gmail.com
- i. FERC Contact: Marybeth Gay, (202) 502-6125, Marybeth.Gay@ferc.gov
- j. Deadline for filing comments, motions to intervene, and protests: March 6, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue,

Rockville, Maryland 20852. The first page of any filing should include docket number P-6066-039. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. **Description of Request:** The licensees propose to amend the license to remove the Derby Development from the project description, and to revise the project boundary to remove the Derby powerhouse, Derby canal, and tailrace. The canal gatehouse serves as a water retaining structure and contributes to the ability to maintain the impoundment and would, therefore, remain within the project boundary. Due to non-project oil contamination, the licensees previously ceased operation at the Derby Development, in cooperation with the U.S. Environmental Protection Agency (EPA). The EPA would permanently fill and abandon in place the water passage system associated with the hydroelectric facilities, and the licensees have removed the turbine to permit the EPA's access and remediation activities. The removal of the non-operational facility would result in a decrease in authorized capacity from 8.5 megawatts (MW) to 7.8 MW.

l. **Locations of the Application:** This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. **Comments, Protests, or Motions to Intervene:** Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. **Filing and Service of Documents:** Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to

intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: February 3, 2023.

Kimberly D. Bose,
Secretary.

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